

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT ELMER BARBER,

Petitioner,

No. CIV S-04-1844 MCE EFB P

vs.

WARDEN OF THE SUBSTANCE
ABUSE TREATMENT FACILITY,

Respondent.

ORDER

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254. On December 7, 2010, this court issued findings and recommendations which recommended that petitioner's motion for stay and abeyance be denied. On December 17, 2010, petitioner requested an extension of time to file objections to the December 7, 2010, findings and recommendations. *See* Fed. R. Civ. P. 6(b). Good cause appearing, that request will be granted.

On December 13, 2010, petitioner filed a document entitled "Motion to Correct the Name of Respondent Judge. Also, to Establish the Cal. Supreme Court's File Date and Case Number for Prior Motion Before this Hon. Court" (hereinafter "Motion to Correct"). It is not clear to this court what relief petitioner is requesting by this motion. However, attached to the motion is the first page of a document entitled "Motion for a Ruling on Petitioner's Prior Motion for a Stay and Abeyance." This document is directed to the United States District Court for the Eastern

1 District of California but does not contain a file stamp. Also attached to the motion is the first
2 page of a petition for writ of habeas corpus filed in the California Supreme Court on November
3 24, 2010. This court will construe petitioner's "Motion to Correct" as a request that the court
4 consider the documents attached to the motion in connection with petitioner's objections to the
5 December 7, 2010 findings and recommendations. So construed, petitioner's "Motion to
6 Correct" will be granted.

7 Accordingly, good cause appearing, it is ORDERED that:

8 1. Petitioner's December 17, 2010, request for an extension of time is granted and
9 petitioner has 30 days from the date this order is served to file objections to the findings and
10 recommendations; and

11 2. Petitioner's "Motion to Correct" (Dckt. No. 51) is granted.

12 DATED: January 4, 2011.

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14 EDMUND F. BRENNAN
15 UNITED STATES MAGISTRATE JUDGE
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